



Local Regulation of Wireless Facilities and Radiofrequency Radiation

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The City of Seattle has been dealing with the difficult issue of radiofrequency (RF) radiation since it conducted an environmental study of telecommunications facilities in the late 1980's. Our focus then was on the very large TV and radio towers in the city, especially on Capitol and Queen Anne Hills. At that time the conclusion seemed to be that the "jury is still out" with respect to RF radiation and health effects. Although local expertise in this field was limited, we did adopt RF radiation standards (Seattle Municipal Code Chapter 25.10) based on work that was being conducted at the time by the American National Standards Institute and, earlier, by the National Council on Radiation Protection and Measurement.

Federal Pre-emption

Section 704 of the Federal Telecommunications Act of 1996 contains the following statement: "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." [47 U.S.C. Section 332(c)(7)(B)(iv)]. The Federal Communication Commission subsequently adopted guidelines (Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation -- FCC ET Docket No. 93-62, August 1, 1996) that are basically the same as the standards that the City already adopted.

While local jurisdictions cannot establish more stringent standards for personal wireless facilities, we can still enforce our standards, which are the same as the federal guidelines. Every applicant for a wireless facility must fill out an affidavit signed by a registered engineer stating that the proposed facility will comply with the federal guidelines and the City's standards.

Health Concerns

Despite federal pre-emption, concern has been voiced by some citizens concerning the many new wireless facilities that are locating in the City to serve the rapidly increasing number of cellular phone users. The power levels of these facilities are much lower than TV and radio towers, and are well below the federal and local standards. Nevertheless, questions have been raised about whether even these relatively low levels could cause health problems. Some argue that it may turn out that these facilities are not safe. Others say that the current standards are adequate and argue that health impacts have not been proven or confirmed. It seems fair to still say that "the jury is still out". However, it does not appear that the federal standards will be modified in the near future; and, as noted, local jurisdictions are not able to establish stricter standards for wireless facilities. The local agency that is best able to discuss potential health effects is the Seattle King County Health Department. Their personnel are willing to discuss this issue with concerned citizens.